

## **REMARKS**

This paper is being provided in response to the Office Action dated January 16, 2009, for the above-referenced application. In this response, Applicant has cancelled claims 13, 26 and 27 (claims 2, 7, 8 and 28 having been previously cancelled) without prejudice or disclaimer of the subject matter thereof and have amended claims 1, 24, 29, 30 and 31 and added new claims 32 - 36 to clarify that which Applicant considers to be the presently-claimed invention. Applicant respectfully submits that the amendments to the claims and the new claims are fully supported by the originally-filed specification, consistent with the discussion herein.

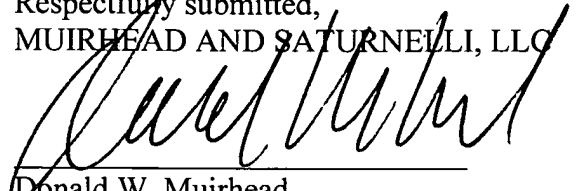
Per the instructions in the Office Action, in response to the restriction requirement issued by the Examiner, Applicant confirms the election of Group I drawn to a measuring device and method for measuring pH, claims 1, 3-6, 9-25 and 29-31, and have cancelled herein claims 26 and 27 that were withdrawn by the Examiner.

Applicant thanks the Examiner for the indication of allowable subject matter in claims 13 and 29. Applicant has incorporated the subject matter of allowable claim 13 into independent claims 1, 24 and 30, consistent with the discussion of the allowable subject matter set forth on page 14 of the Office Action. Applicant notes that all of the remaining pending claims, including the new dependent claims added herein, depend from one of the independent claims 1, 24 or 30. Accordingly, Applicant submits that all of the currently-pending claims are in condition for allowance.

The rejection of claims 1, 3, 9-12, 14, 16-22 and 24 under 35 U.S.C. 103(a) as being unpatentable over WO 01/57507 to Derr (the English equivalent of which, US 2003/0057952, hereinafter "Derr") in view of U.S. Patent No. 4,264,424 to Niedrach (hereinafter "Niedrach") and U.S. Patent No. 4,686,011 to Jackle (hereinafter "Jackle"); the rejection of claims 4 and 6 under 35 U.S.C. 103(a) as being unpatentable over Derr and Niedrach in view of U.S. Patent No. 5,425,715 to Dalling, et al. (hereinafter "Dalling"); the rejection of claim 5 under 35 U.S.C. 103(a) as being unpatentable over Derr, Niedrach and Dalling in view of U.S. Patent No. 6,228,167 to Kuramoto, et al. (hereinafter "Kuramoto"); the rejection of claim 15 under 35 U.S.C. 103(a) as being unpatentable over Derr and Niedrach in view of U.S. Patent No. 5,139,641 to Neukum (hereinafter "Neukum"); the rejection of claim 23 under 35 U.S.C. 103(a) as being unpatentable over Derr and Niedrach in view of U.S. Patent No. 4,328,912 to Hagggar, et al. (hereinafter "Hagggar"); the rejection of claim 25 under 35 U.S.C. 103(a) as being unpatentable over Derr and Niedrach in view of U.S. Patent No. 4,473,458 to Schwartz, et al. (hereinafter "Schwartz"); the rejection of claim 30 under 35 U.S.C. 103(a) as being unpatentable over Derr in view of Neukum; and the rejection of claim 31 under 35 U.S.C. 103(a) of Derr, Neukum, Niedrach and Jackle, have all been addressed and traversed herein by the incorporation of the allowable subject matter into the independent claims, as noted above. Accordingly, Applicant respectfully submits that all currently-pending claims are allowable over the cited prior art.

Based on the above, Applicant respectfully requests that the Examiner reconsider and withdraw all outstanding rejections and objections. Favorable consideration and allowance are earnestly solicited. Should there be any questions after reviewing this paper, the Examiner is invited to contact the undersigned at 508-898-8603.

Respectfully submitted,  
MUIRHEAD AND SATURNELLI, LLC

A handwritten signature in black ink, appearing to read 'Donald W. Muirhead', is written over a horizontal line.

Donald W. Muirhead  
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